

THE NEW YORK PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS.

THE OFFER OF AMNESTY.

From the Independent. VICTOR, IOWA.—Count Gasparin's letter has floated across the sea to this far-away country town of the West. I admire that republican Frenchman. He understands American affairs, loves American ideas, and believes in the American people. I took off my hat to his rather ugly portrait when I first saw it on the walls of the Union League in New York. But a good man may give bad advice. The Count adds his voice to the cry for a general amnesty. It is an easy thing to pardon wrongs which are done, not to ourselves, but to other people. It is a French philanthropy that pardons the South for wronging the negro. If, instead, the South were at this moment shooting down Frenchmen, burning their school-houses, and stealing their children, Count Gasparin would probably not ask for an amnesty to the South.

It is difficult to make a foreigner believe that a rebellion in the interest of human slavery—a rebellion instigated by the three combined lusts of power, of greed, and of passion—a rebellion which has not only been paralleled only by the warfare of Indian savages—a rebellion subdued on the field, but still raging in Southern men's breasts; it is difficult, I say, to make even one of the most intelligent of foreigners, like Count Gasparin, believe that such a rebellion is the work of an ordinary enemy, who is to be dealt with by ordinary means, and trusted on ordinary terms.

The South, when accustomed to rule, patterned her public conduct after that of her most tyrannical slave-masters—ruling royally, brooking no opposition, and playing its oppressor grandly. But the South, forced to obey, copies the conduct of her most vicious slaves—ruling like a subaltern, practicing a deceit of loyalty as a mask for treason, and pretending to be at peace while yet plotting war.

An amnesty to the South, which shall invest her with the old political prerogatives, which shall give her an equal voice with the North in the government of the Union, and which shall leave in her hands her old opportunity to oppress the negro, would not be the problem of the civilized world. Not the least of the parties, in demanding justice to the negro, demands an injustice to the white man.

I am acquainted with nearly all the representative radical men of the North—acquainted, also, with the public views and utterances—and I speak within bounds when I say that the radical party, as distinguished from its surrounding ring of the Republican party, has been in favor of lenient rather than of severe terms in settling with the rebels. The radical party holds, with Manly, that after a great rebellion, a war, victories, and humane Government will pardon the many and punish the few. And even in punishing the few, it shall be the measure of their guilt. The radical party asks for no drop of blood. Confiscation? It bequeaths no man his property. Exile? It bears too little ill-will to foreign nations to expatriate American rebels to foreign shores.

What then? demands that the radical leaders of the Rebellion shall be deprived of the power of casting a ballot and of holding an office. In New York State, even a pickpocket who steals five cents, is liable to jail, can never afterwards, on coming out, go to the ballot-box or run for an office. Is treason a less crime than petty larceny? The radical party, therefore, demands that the men who so safely held their hands to the neck of the nation shall not now be invited to govern it. To this end, it demands that the test-oath, like a sword of fire shall guard the doors of the Federal Capitol against the intrusion of traitors. It demands that Andrew Johnson's usurping State Governments shall be displaced by legal and valid legislatures. It demands that a Southern black man shall not fare worse for being a loyalist than a Southern white man for being a traitor.

All these demands may be very unreasonable, very cruel, and very unamalgamable—nevertheless, they are made; nor should they be shied at.

Count Gasparin speaks against the Constitutional amendment. I am glad he dislikes it. The radical party shares this repugnance. "It has always appeared to me," says he, "that, for the first time, in the history of the world, a Constitution a distinction founded on color is to give a strange consecration to a victory of the North." These are wise words. The Independent rescues them. Opposed to the Constitutional amendment, the Independent says, "The amendment commits the political fate of the negro to the hands of the Rebel. This is an act of moral delinquency of which the North ought not to be guilty. Count Gasparin has clear moral convictions, and sees that under the Constitutional amendment, as under the old regime of slavery, the negro must submit his neck to the oppressor's heel."

But Count Gasparin, in asking for the admission of the Southern States, does not know their temper. A law is one thing; its observance another. The Count thinks that, under a law of impartial suffrage, we could afford to admit the South, but what reverence does the ruling show for any law enacted in the interest of the negro or the North? For instance, there has always been a constitutional provision guaranteeing freedom of speech and of the press in all parts of the United States. But of what value has this provision been in the Southern States? Has it protected a Northern man in the utterance of his opinions? There is, moreover, a Constitutional amendment which forever prohibits slavery in the United States. And yet, how many negroes have been sold as slaves in Maryland by order of the courts? Would the Count like to know under what pretext they were sold? The philosophy of the prohibitory amendment is not that it is a law for one of the States, except as a punishment for crime. A negro commits a crime—steals a chicken, perhaps, or shows his dusky skin and pretends to be a human being, which is crime enough in Maryland—and the courts, under the Constitution, sell him as a slave. Now are rebels, who commit the ancient outrages of the slave-market upon loyalists, to be rewarded for their barbarity by an act of amnesty?

The last number of the Memphis Appeal publishes a "black list" of such of the business men of that city as were opposed to the Rebellion. The journal then adds: "Henceforth they are famous, honorable, or successful. Either will answer." Now does Count Gasparin propose to offer to the Memphis Appeal an act of amnesty?

North Carolina is said to have been, and to be now, the least rebellious of the Rebel States. But what is the loyalty of North Carolina? The Wilmington Dispatch threatens another rebellion. "Already," it says, "the southern people have resolved to resist the Federal soldiers. With the North united against them, many of our own people against them, no organized government to commence with, no army, no navy, no resources, nothing to console them but a palpable lie on their lips, they will stand by their rights for an unbroken contest for independence for four years with a valor unexampled, a fortitude unparalleled, and a determination unshaken. In this approaching conflict, for confidence there will be if Congress attempts to destroy the States, they will have nearly half of the North as allies, and will be themselves united. They will fight to the knife, and then to the hilt." Does Count Gasparin think that the Wilmington Dispatch argues convincingly for an act of amnesty?

Texas is introducing into her schools (what few she has) certain curiosities of literature known as "Confederate primers," suggesting books adapted to the South. But what is the object of a "Confederate primer," except to teach treason? And what is the effect of a "Confederate primer" except to prepare the next generation for a rebellion? Does Count Gasparin think that "Confederate primers" are arguments for an act of amnesty?

General Sherman says that the South west that "a white man murders a negro in cold blood, and his trial is a farce." Does Count Gasparin consider such a farce as a serious argument for an act of amnesty?

Does the New Orleans riot plead for an amnesty to the rioters? The plain truth is, the rebellious States are still in a state of insurrection, and will of threatenings and slaughter, to be admitted just yet on any terms whatsoever.

I believe that the amnesty which the North has already granted to the South—the amnesty by which traitors have been given back their lives, their houses, and homes, their facilities for business and an open gate to the pursuit of happiness—this amnesty is already as much as the nation can grant to the South.

If impartial suffrage were to become the law of the whole land to-morrow, it would not in the least affect the question of a general amnesty. Impartial suffrage stands on its own foundation, while the general amnesty stands on the foundation of the good behavior of the culprits who want to be amnestied. The negro has already earned his ballot; the Rebel has not.

It is important, says the Count, "that peace should be made, and that peace should be made." This is an eminently French sentiment. But it is more important that there should be peace than that there should be a truce. Thus far, there has been a good deal of peace and very little truce. Hereafter, let the condition of pardon be the practice of peace.

"To exclude Rebels from public life," says the Count, "should be to exclude the whole South." Would the Count, then, have us admit Jefferson Davis as Senator from Mississippi, and Alexander H. Stephens as Senator from Georgia? This would be a pirouette in France, but seems dismal to a pirouette on these prairies.

Frenchman, "adopt boldly the policy of admission." But the Count's suggestion is of a policy of calamity. One man threatens a hundred, so the South, by injuring the negro, threatens the nation. To admit the South, therefore, in her present state of half-revived civil war, would be an equal injury to the negro and the nation. On the other hand, to exclude the rebellious States until the negro shall have his rights, and until the white man shall keep the peace, is the only policy of national safety.

Political Questions in the Supreme Court. From the Nation. The Supreme Court of the United States is just now the subject of lively popular interest and discussion. It has recently been, and will soon be again, called upon to decide questions which have been made political issues between hostile parties, and concerning which few men are able to think impartially. All the issues of the war, and of the era of reconstruction succeeding the war, will be submitted to the judgment of this Court; and a strenuous effort will be made to secure from it decisions which will nullify the will of the people and vindicate the rejected policy of Mr. Johnson. There is great danger that, whatever may be the decision of the Court, its action may fail to command public confidence; that if the decision is against the views of the majority, it will be ascribed to partisanship, and that if it is with them, it will be thought to have been influenced by fear.

It is exceedingly desirable that no such impression should be left upon the minds of the people after a decision has been made, but that the address and wisdom of the Court should be manifest to every one. For our own part, we are not entirely disposed to decrease our confidence in this eminent Court, as equivalent to an undermining of the people's faith in law itself—a faith which needs strengthening and upholding in a special manner at this juncture. We do not explain the reasons for doubting the impartiality of the Court, or offer suggestions as to the mode in which the apprehended dangers may probably be avoided.

The Supreme Court consists at present of nine judges, five of them appointed by a Republican President, and four by his Democratic predecessors. Unfortunately, it cannot be doubted that at least four of the judges have so recently and so emphatically declared their views on the issues of reconstruction as to make argument before them a mere form. Chief Justice Chase could not be persuaded by Moses, and the proslavery that the present State Governments at the South are not a part of the United States. Chief Justice Chase could not be persuaded of the contrary even by one who should rise from the dead. We are strongly inclined to believe that Judge Field, who was appointed as a Republican, but who, like the others, never hesitated to vote with the party, except in support of the war, are now quite alienated from it, and also too well convinced in his own mind to be really open to argument. Assuming that all these things are true, and they are, it is really entered among lawyers and politicians at Washington, Judge Wayne, of Georgia, would hold the casting vote. The natural presumption is that he would side with his Democratic associates, and that he would do so patriotically as he has done in the course of Judge Wayne during the last six years, and so sincere has appeared to be his desire to do his duty rather than to gratify his prejudices, that we think him at least as much commensurate to his impartiality as that of the best of his associates. The other judges, Savage, Davis, and Miller, have never been known as politicians, and will no doubt consider the important questions before them in a truly judicial spirit.

We feel bound to express our regret that the distinguished Chief Justice of the Court has not, since taking his place upon the bench, more strictly abstained from taking part in political discussions. It is not easy for one of our decided convictions and energetic spirit to sit quietly by while great battles are being fought in which his sympathies are so strongly called; yet such was the case with Chief Justice Chase, and he has not only taken part in the discussions, but he has taken an active part in the Court and his hold as a jurist upon the public conscience by pursuing a course which, in any executive or legislative officer or private citizen, would have been eminently honorable, but which was manifestly to the office of a judge. And his repeated declarations in favor of universal suffrage have irritated some of his associates to counter-declarations of hostility to it, which must greatly embarrass their action upon the political questions come before them for judicial solution.

The particular case which it is reported will be made the means of organizing the subject of reconstruction before the Court, is one arising in the United States District Court of Alabama, in which, it is said, a motion will be made to dismiss the appeal on the ground that the State has ceased to exist, and that the Court has no jurisdiction over the case. The motion need not and ought not to have the least bearing upon the question of the validity of Mr. Johnson's Southern Governments. A State may, perhaps, exist without any government, and a Federal Government created by a State may not, and we think does not, expire with the State Government, or even with the State itself. An appeal from the State tribunal in one of the reconstructed States would present the real issue more clearly, though even that would not necessarily turn upon the issue of reconstruction.

The chief duty of the Court, as we conceive, in cases of this kind, is to decide the questions which will be brought before it, to confine itself strictly to the matter in hand, to decide the precise points before it, and to abstain rigidly from the slightest discussion of political questions not necessarily involved. Expressions of opinion on points not clearly presented by the facts of each particular case will not only amount to no more than precedents of law, but will break down the reliance of the country on the Court. Even if counsel on both sides agree in submitting the case on political issues, the Court, if possible, to determine it upon other grounds, remembering that counsel may be seeking some ulterior purpose at the expense of the public good. The same reasons which induce the Courts to throw out collusive actions should induce them to disregard collusive arguments. The questions involved in reconstruction may be looked at from twenty different standpoints, and it is intolerable that they should be taken up upon a hearing of three or four counsel, representing only two private individuals, whose real interests may be quieted, and who may have trumped up a case for the express purpose of accomplishing a common political end.

The opinion of the Court in the Indiana conspiracy cases, although perfectly sound upon the real questions at issue, and perhaps equally correct upon all points, is nevertheless deserving of criticism in the respect mentioned. There was not a particle of pretense that Congress had authorized the sitting of the Indiana military commission, yet a majority of the judges are not only to be seen repeating, and could not create such a tribunal. Such an opinion is calculated to arouse a suspicion in the Court is anxious to express its views upon these great questions before they are legitimately presented to it.

The Shetted Dead. From the Tribune. Many veteran observers of the shifting currents of American politics are puzzled by the unaccountable vitality evinced by the Republican party. "How is it," they ponder, "that this party, which came into power through the divisions of its opponents, who showed a majority of fully one million of voters should now be able to defy the most perfect combination of all its enemies? How could it poll, at the fragmentary State elections of 1856, a full quarter more votes than in the arduous Presidential struggle of 1860, and the result of each successive effort to overcome it show it stronger and more invincible than ever before? Does it bear a charmed life? Has it made no blunders, given power and patronage to no unscrupulous, day-by-day deserting, unprincipled and unscrupulous in its own ranks? What accounts for the firmness, the tenacity, of its hold on popular confidence?"

The Republican party is mortal, like all parties which preceded it, and will die when its time comes. It has made great mistakes. It has been misled into putting thieves and swindlers into office, and has robbed the nation, to its sore discredit and injury. And the one principal reason for the prolongation of its power is the fierce determination of the Copperheads to succeed it, and the equally stern resolve of the Republicans to resist.

McClellan would probably have been beaten for President, anyhow; but he would not have been so utterly routed but for the Copperheads, who insisted on showing under him a platform which would have ruined the party. The Philadelphia arm-in-arm Convention could hardly have upset the Republican ascendancy, anyhow; yet the effort need not have resulted in such a disastrous failure, if the most conspicuous and obstinate Copperheads had abstained from bossing the job. And the recent Eighth-of-January revivals have shown the same tenacious resolve of the most notorious and odious Copperheads not to let the Republicans give place to any rival aspirants to power but themselves. So it looks as though the Republican ascendancy must be pretty safe for the next six years.

The Connecticut gathering was quite large, considering that no ticket was to be nominated, and was remarkably well attended. The Hon. James Brooks made a long and fluent speech—not so good as he used to make on our side, nor so forcible as his solemn protestation in the White House Address of 1847, that he would not consent to the attraction of any more fire to slavery. Two or three others spoke less absurdly than might have been expected. But here were Isaac Toucey, and Thomas H. Seymour, and William W. Eaton—

—all prominent actors in our nation's history, all intent on not letting the people forget that, whenever the Republicans go out of power, they must be succeeded by politicians who tried in every possible way to paralyze the national arm which raised to prevent the disruption of our Union by the sword of the slave power. Mr. Toucey's complicity as Secretary of the Navy in Buchanan's betrayal of the national defenses into the hands of the Rebels, T. H. Seymour's public, unqualified sympathy with the Rebels, and hostility to "secession" from the outset, probably assure the Republicans of Connecticut an easy time in their State canvass at hand.

The Executive officer at Washington, though honored by the President's presence, and that of the Blair family, was in the main a collection of fossils from the dirt deposited by the late war. Considerations among them was Buchanan's name, Mr. Blackburn no theme congenial to his sympathies as the late release by the decision of the Supreme Court of Lambdin P. Milligan and his confederates, sentenced to death by the military Court for conspiring to subvert the Union assembly in Indiana, and hand her over to the militant Rebels. Of these unwhiggish traits, Mr. Blackburn it to say that

These private citizens of Indiana, perfectly innocent of any offense, were brought up to this time no human being has ever loyally sworn even to a belief of their guilt—the citizens were kidnapped, and carried before a body of men who, without a word of law, made them swear to a charge which they were to be tried upon. They were ordered to be killed on a certain fixed day. In this connection of things the judicial authorities intervened, and the President Johnson, and the victims were rescued.

There are many very foolish, but things which the people can be called and deceived into doing; but there is one that they never do—and that is, they never voluntarily and intentionally into the hands of the Government, and other persistent, unscrupulous opponents of the war for the Union. "If the Court understands herself, and she thinks she does, this will be done. Why, therefore, we pray those gentlemen and their companions to make themselves as conspicuous and vociferous as possible in all future gatherings of the enemies of republicanism."

Public Opinion on the Impachment Question. From the Times. From the columns of our Republican contemporaries we have gathered proofs not only that impachment is not demanded, but that the propositions pointing to that end are deprecated as inexpedient, both in a national and

a party sense. This view in no case proceeds from any lingering liking for the President or his policy. The party are a unit in reference to the duty of Congress to push forward its measures of reconstruction, regardless of the plans of the President; and in reference also to the hopelessness of all attempts to bring Mr. Johnson and Congress into harmony. The feeling prevails, however, that the Union strength in the Capitol is sufficient for the accomplishment of the cherished purposes of the party, and that there is, therefore, no necessity for forcing war upon the Executive. Practically, in all that pertains to the status of the South and its restoration to the Union, no power is left to the Executive. The property of Congress is sufficiently further observable. The property of feeling in his behalf, and to invest him with a capacity for mischief which he can in no other way obtain. An matters stand, he can do very little in any respect. His vetoes direct nothing. His idle resolutions, which the Democratic party severs the last bond of sympathy with the Unionists who elected him. And for these and kindred reasons, the Republican pressers so much of it as has yet been heard from the subject—dismissing the movement for impachment as equally unnecessary and unwise.

A just estimate of the gravity of the proceeding against the unseemly spirit in which it was inaugurated is further observable. The propriety of impachment, in certain circumstances, is conceded, and the ability of the country to endure the stain is affirmed with a positiveness that implies no lack of confidence. But it is at the best a serious affair, only to be begun under the pressure of imperious necessity. The strain upon our institutions, our finances, and our credit might not be unbearable; but it would be sufficiently further observable. The propriety of impachment, in certain circumstances, is conceded, and the ability of the country to endure the stain is affirmed with a positiveness that implies no lack of confidence. But it is at the best a serious affair, only to be begun under the pressure of imperious necessity. The strain upon our institutions, our finances, and our credit might not be unbearable; but it would be sufficiently further observable. 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